

device that is basically the same as that recited in claims 1, 2, 34 and 35, except that Priestman does not disclose that the second display device and the first display device are active matrix displays.” The Examiner then cites Nakai as allegedly showing “that main liquid crystal display devices are of active matrix type excelling in display performance,” and Yamazaki as allegedly showing “a portable electronic device comprising a liquid crystal display device, wherein the liquid crystal display device may be an active matrix type EL display.” The Examiner then argues that “it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the portable electronic device of Priestman by employing an EL display of Yamazaki for the first display device and an active matrix display of Nakai for the second display device so as to obtain a downsized and lightened device having a high image quality and high reliability without consuming much power (Nakai, col. 4, lines 1-5 and Yamazaki col. 6, lines 51-59).”

The Examiner further contends that “[t]hus, there’s no reason why one having ordinary skill in the art at the time the invention [sic] cannot modify the portable electronic device of Priestman by employing the active matrix LCD of Nakai and the active matrix EL display of Yamazaki for the first and second liquid crystal display panels of Priestman in order to obtain an excellent display performance (Nakai, col. 2, lines 56-60) and also a downsized and lightened device with a low power consumption (Yamazaki, col. 6, lines 51-59).”

Applicants respectfully disagree as the Examiner is applying an improper standard for combining references and the references fail to disclose or suggest the claimed invention.

More specifically, independent Claims 1 and 2 recite that the first display panel is one of a liquid crystal display panel and an EL display panel *and* the second display panel is the other one of the liquid crystal display panel and the EL display panel. Hence, one is a liquid crystal display panel and the other is an EL display panel, obtaining a quality of EL display and a quality of LDC display.

In contrast, while Priestman discloses a first display device and a second display device in a portable electronic device, the reference does not disclose or suggest that that the first display panel is one of a liquid crystal display panel and an EL display panel and the second display panel is the other one of the liquid crystal display panel and the EL display panel.

Instead, Priestman discloses a portable electronic device in which the “lower half 204 comprises an LCD video display 226 essentially identical to the video display 220 described as contained in the upper half 202...” Col. 8, lns. 38-42 (emphasis added). Clearly, Priestman is directed to having the two displays that are essentially identical (LCD displays), and there is no suggestion or motivation in Priestman (the Examiner has cited no such suggestion or motivation from Priestman) to modify the portable electronic device in Priestman to include a different type of display, as in the claimed device.

Further, Nakai does not disclose or suggest that the first display panel is one of a liquid crystal display panel and an EL display panel and the second display panel is the other one of the liquid crystal display panel and the EL display panel. In fact, Nakai does not appear to disclose or suggest two display panels. Hence, since Priestman also does not disclose or suggest this feature, even if it were proper to combine Priestman and Nakai (which Applicants do not admit), such a combination would still have both the first display device and the second display device essentially identical, and would not disclose or suggest the claimed invention.

Additionally, Yamazaki also does not disclose or suggest that the first display panel is one of a liquid crystal display panel and an EL display panel and the second display panel is the other one of the liquid crystal display panel and the EL display panel. Hence, since Priestman also does not disclose or suggest this feature, even if it were proper to combine Priestman and Yamazaki (which Applicants do not admit), such a combination would still have both the first display device and the

second display device essentially identical, and would not disclose or suggest the claimed invention.

Hence, the Examiner's proposed combination of references is insufficient and incomplete as there is no teaching or suggestion that the two display panels are different. Therefore, even if these references are properly combinable (which Applicants do not admit), the references fail to disclose or suggest the portable electronic device recited in independent Claims 1 and 2 of the present application. Accordingly, these claims are patentable over the cited references.

Furthermore, Applicants respectfully submit that it is not proper to combine Priestman, Nakai and Yamazaki to arrive at the claimed invention. "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." In re Fitch, 23 USPQ2d 1780, 1783-1784 (Fed. Cir. 1992). In this case, none of the references provide any suggestion for having the first display panel as one of a liquid crystal display panel and an EL display panel and the second display panel as the other one of the liquid crystal display panel and the EL display panel. While the references may discuss liquid crystal display panels and EL display panels, none of the references provide any suggestion to have a display device with two different display panels, one a liquid crystal display panel and the other an EL display panel.

As the Federal Circuit stated in In re Kotzab, 55 USPQ2d 1313, 1316 (Fed. Circ. 2000), "Most if not all inventions arise from a combination of old elements. Thus, every element of a claimed invention may often be found in the prior art. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." (citations omitted). The teaching or suggestion must

be in the form “that one of ordinary skill in the art would have been led to combine the relevant teachings of the applied references in the proposed manner to arrive at the claimed invention.” Ex parte Levengood, 28 USPQ2d 1300, 1301 (Bd. Pat. App. & Int., 1993).

Hence, the standard for combining references cannot be that it would have been obvious to try or “there’s no reason why one of ordinary skill in the art at the time of the invention cannot” modify a reference in the way proposed by the Examiner in the rejection. Such a basis for combining references is improper.

In this case, there is no teachings or suggestions in the references that would lead one to a device with two different display panels, one a two different display panels, one a liquid crystal display panel and the other an EL display panel. The Examiner’s combination of references is clearly based on an improper standard and is missing a key teaching or suggestion in the art.

Therefore, as the Examiner’s proposed combination of references and modification is improper, the rejection based thereon is improper. Further, the combination of references does not disclose or suggest the claimed invention. Hence, Claims 1, 2, 4-11, 21, 22, 34 and 35 are patentable over the cited references.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 3 and 16-18

The Examiner also rejects Claims 3 and 16-18 under 35 USC §103 as being unpatentable over Priestman in view of Nakai and Yamazaki and further in view of Mack II et al. (US 6,510,325). This rejection is also respectfully traversed.

Each of these rejected claims is a dependent claim. Accordingly, for at least the reasons discussed above for the independent claims, these dependent claims are also patentable over the cited

references. Therefore, it is respectfully requested that this rejection be withdrawn.

Claims 19 and 23

The Examiner further rejects Claims 19 and 23 under 35 USC §102(b) [sic 103] as being unpatentable over Priestman in view of Yamazaki in view of Gale et al. (US 6,452,577). This rejection is also respectfully traversed.

For similar reasons to those discussed above, the rejection of these claims is improper, and the references fail to disclose or suggest the portable electronic device recited in independent Claim 19 of the present application. Accordingly, this independent claim and those claims dependent thereon are patentable over the cited references

Therefore, it is respectfully requested that this rejection be withdrawn.

Claims 24-27

The Examiner also rejects Claims 24-27 under 35 USC §103 as being unpatentable over Priestman in view of Yamazaki. This rejection is also respectfully traversed.

The Examiner cites Priestman as disclosing a portable electronic device but admits that it does not disclose an active matrix EL display. The Examiner then cites Yamazaki as disclosing a liquid crystal display device which could be an active matrix EL display. The Examiner then contends that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Priestman with the teaching of Yamazaki.

Applicants respectfully disagree. As explained above, Priestman does not disclose or suggest a liquid crystal display panel and an active matrix EL display device. Yamazaki does not cure this deficiency, and there would have been no motivation to modify Priestman with Yamazaki. Hence,

the cited references do not disclose or suggest the claimed device and the rejection is improper.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 36-51

The Examiner further rejects Claims 36-51 under 35 USC §103(a) as being unpatentable over Priestman in view of Nakai et al. and Zavracky (US Publn. 2002/0158823). This rejection is also respectfully traversed.

For similar reasons to those discussed above, the rejection of these claims is improper, and the references fail to disclose or suggest the portable electronic device recited in independent Claims 36 and 44 of the present application. Accordingly, these independent claims and those claims dependent thereon are patentable over the cited references

Therefore, it is respectfully requested that this rejection be withdrawn.

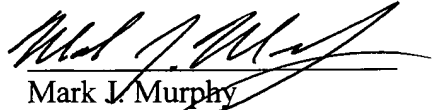
Conclusion

Accordingly, for at least the above-stated reasons, it is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee is due for this response, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,


Mark J. Murphy
Registration No. 34,225

COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street, Suite 2850
Chicago, Illinois 60606
(312) 236-8500
Customer no. 000026568